



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/306,510	05/07/1999	ALEJANDRO GABRIEL SHCROTT	YO999-097	3541
------------	------------	---------------------------	-----------	------

21254 7590 09/11/2002

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/11/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary

Application No.

09/306,510

Applicant(s)

SHCROTT ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2635

DETAILED ACTION

This action is responsive to amendment filed June 24, 2002.

Response to Amendment

The examiner has acknowledged the amended specification, the amended claims 1, 5, 6, 9, 15, 19, and 20. The rejection of claim 7 under 35 U.S.C. 112 second paragraph has been withdrawn.

Response to Arguments

Applicant's argument with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 9-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 and further in view of Yeadon U.S Patent 6393339.

Regarding claim 1, Chambers teaches a system for preventing the theft of an object (col. 3 lines 5-7), comprising;

an electronic article surveillance (EAS) device operatively attached to an object (col. 1 lines 41-42);

Art Unit: 2635

a security path for detection of the EAS device (col. 1 lines 46-47);

a reader operatively coupled to the security path (col. 8 lines 24-26);

a user identification card (col. 3 lines 63-64);

Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person if a person entering the security path is authorized to remove the object. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers as evidenced by Schrott et al. and Yeadon because Chambers suggests an antitheft system with the user using an identification card to gain access through a security gate and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Schrott et al. further teaches disabling of a security gate to allow an object to move pass the security gate without disabling the tag.

Regarding claim 4, Chambers teaches an EAS system (figure 1) but is silent on teaching the EAS device comprises a radio frequency tag. Schrott et al. in an art related Circuit Antitheft

Art Unit: 2635

And Disabling Mechanism invention teaches EAS device comprises a radio frequency tag (col. 1 lines 11-12).

It would have been obvious to one of ordinary skill in the art to have an EAS device comprising a radio frequency tag in Chambers as evidenced by Schrott et al. because Chambers suggests an EAS system and Schrott et al. teaches the use of a radio frequency tag in an EAS system and radio frequency tag are widely used for article surveillances.

Regarding claim 5, Chambers teaches the gate incorporating an interrogation zone (col. 7 lines 56-68) and identifying a user by using a card reader to read the user's identification information (col. 2 lines 27-28). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 6, Chambers teaches a database including information regarding authorized user (col. 4 lines 6-8).

Regarding claim 7, Chambers teaches an alarm coupled to the security path and an EAS device activates an alarm upon passage through the security path (col. 7 line 68-col. 8 lines 1-2).

Regarding claim 9, Chambers teaches an authorized user is allowed free passage when the user exhibit an identification card (col. 4 lines 11-16) but is silent on teaching the authorized person exhibiting a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art for an authorized person to exhibit a smart card in Chambers as evidenced by Yeadon because Chambers suggests the use of an identification card with user identification information and Yeadon teaches an identification

Art Unit: 2635

card in the form of a smart card with user identification information that enables the removal of an object from a secured area in order to enhance the security of the antitheft system.

Regarding claim 10, Chambers teaches a database including information regarding authorized user (col. 4 lines 6-8). A database inherently includes a storage device.

Regarding claim 11, Chambers teaches a system for preventing the theft of an object that records the time and date and user identity relating to passage through the security path (col. 4 lines 7-9).

Regarding claim 12, Chambers teaches the use of contact-less card reader such as optical scanner (col. 4 lines 8-11) but also teaches the replacement of optical card reader with other card reader that requires passing the card over the card reader (direct contact) (col. 8 lines 21-26).

Regarding claim 13, Chambers teaches an optical scanner for reading the information on the card (col. 4 lines 8-11). The card is therefore of a contact-less type.

Regarding claim 14, Chambers teaches identification card with magnetically encoded data (col. 8 lines 22-23) but is silent on teaching a smart card comprising a magnetic strip. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card with a magnetic strip in Chambers as evidenced by Yeadon because Chambers suggests an identification card with magnetically encoded data and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured enclosed area. Smart cards further provide additional security to the antitheft system.

Art Unit: 2635

Regarding claim 15, Chambers teaches a system for preventing the theft of an object (col. 3 lines 5-7), comprising;

an electronic article surveillance (EAS) device operatively attached to an object (col. 1 lines 41-42);

a security path for detection of the EAS device (col. 1 lines 46-47);

a reader operatively coupled to the security path (col. 8 lines 24-26);

a user identification card (col. 3 lines 63-64);

the antitheft system of Chambers includes a terminal (400) and database (col. 4 lines 6-8).

and therefore inherently includes a computer.

Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person entering the security path is authorized to remove the object. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers as evidenced by Schrott et al. and Yeadon because Chambers suggests an antitheft system with the user using an

Art Unit: 2635

identification card to gain access through a security gate and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Schrott et al. further teaches disabling of a security gate to allow an object to move pass the security gate without disabling the tag.

Regarding claim 18, Chambers teaches an EAS system (figure 1) but is silent on teaching the EAS device comprises a radio frequency tag. Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches (col. 1 lines 11-12).

It would have been obvious to one of ordinary skill in the art to have an EAS device comprising a radio frequency tag in Chambers as evidenced by Schrott et al. because Chambers suggests an EAS system and Schrott et al. teaches the use of a radio frequency tag in an EAS system and radio frequency tag are widely used for article surveillances.

Regarding claim 19, Chambers teaches the gate incorporating an interrogation zone (col. 7 lines 56-68) and identifying a user by using a card reader to read the user's identification information (col. 2 lines 27-28). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 20, Chambers teaches a database including information regarding authorized users (col. 4 lines 6-8), alarm operatively coupled to the security path wherein upon passage through the security path the EAS device activate the alarm (col. 1 lines 63-65).

Art Unit: 2635

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 in view of Yeadon U.S Patent 6393339 and further in view of Bacon U.S Patent 5984388.

Regarding claims 2 and 16, Chambers in view of Schrott et al. in view of Yeadon is silent on the teaching of an acousto-magnetic tag. Bacon in an art related EAS tag invention teaches the use of an acousto-magnetic tag to secure an article (col. 4. line 9).

It would have been obvious to one of ordinary skill in the art to use an acousto-magnetic tag in Chambers in view of Schrott et al. in view of Yeadon as evidenced by Bacon because Chambers in view of Schrott et al. in view of Yeadon suggests the use of a magnetic type tag and an alarm sound is produce when an activated tag passes through a controlled exit. An acoustic-magnetic tag as evidenced by Bacon is a magnetic tag which give rise to an acoustic signal due to magnetic excitation. An acousto-magnetic tag is therefore compatible with Chambers in view of Schrott et al. in view of Yeadon in that the tag is excited magnetically and a sound is produce from the magnetically excitation of the tag.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 in view of Yeadon U.S Patent 6393339 and further in view of Dames et al. U.S Patent 6054924.

Regarding claims 3 and 17, Chambers in view of Schrott et al. in view of Yeadon is silent on the use an EAS device comprising a low frequency tag having a frequency in a range of about

Art Unit: 2635

100 Hz to about 1000Hz. Dames invention of an EAS tag in a related art teaches an EAS device tag typically operate in the low frequency range of 50 KHz to 1 MHz (col. 1 lines 32-35). The magnetic material of the EAS device in Dames invention is formed from wires or thin foil (col.1 lines 50-51).

It would have been obvious to one of ordinary skill in the art to use an EAS device comprising a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz.in Chambers in view of Schrott et al. in view of Yeadon as evidenced by Dames because Chambers in view of Schrott et al. in view of Yeadon suggests an EAS device tag which communicates with an interrogator device by wireless communications means and Dames teaches the low frequency operation range of 50 KHz to 1 MHz for an EAS device tag which is the typical operating range for an EAS tag.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers U.S Patent 4881061 in view of Schrott et al U.S Patent 5739754 in view of Yeadon U.S Patent 6393339 and further in view of Nelson, Jr. U.S Patent 6297727.

Regarding claim 8, Chambers in view of Schrott et al. in view of Yeadon is silent on teaching a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device. Nelson, Jr. in an art related Transponder Identification And Record Assembly invention teaches the enhancement of an article surveillance system by using a video record to the transportation of an item through a security gate (col. 10 lines 18-24).

It would have been obvious to one of ordinary skill in the art to have a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the

Art Unit: 2635

EAS device in Chambers in view of Schrott et al. in view of Yeadon as further evidenced by Nelson, Jr. because Chambers in view of Schrott et al. in view of Yeadon suggests a EAS system for ensuring the passage of an article through a security gate by authorize persons only and Nelson, Jr. teaches having a video receiver to record a person transporting an item without authorization through a security gate in order to have evidence of an unauthorized person transporting an object through a security gate.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
September 5, 2002

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

